

SEISMIC SAFETY COMMISSION

1755 CREEKSIDE OAKS DRIVE, SUITE 100
SACRAMENTO, CA 95833
(916) 263-5506
(916) 263-0594 FAX
INTERNET: www.seismic.ca.gov



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Memorandum

To: Commissioners

From: Henry Sepulveda
Director of Legislation

Subj: Legislative Report

This report is an update of legislative activity affecting the Commission and/or areas of interest to the Commission.

Part I and Exhibit 1 describe the Commission's current legislation

Part II and Exhibit 2 describe legislation that could have an impact on the Commission, its policies, operations, and/or statutory mission. That section also includes bills that potentially affect areas of interest to the Commission.

I. Commission's Legislative Package for 2003-04

The Commission is currently sponsoring three bills: AB 1066 (Liu), AB 1573 (Corbett), and AB 1576 (Liu). All three measures have seen significant activity since the Commission's last meeting in April 2003.

AB 1066 (Liu) proposes the issuance of \$700 million in state general obligation bonds to finance the seismic retrofit of local government buildings. The funding would be restricted to "essential services" buildings (fire services, police facilities and communications centers). This bill was approved by the Assembly policy committee on April 29 and referred for consideration by the Assembly Appropriations Committee. On May 28, the Appropriations Committee voted to place all bills proposing the issuance of state bonds (including AB 1066) on the Committee's "Suspense File." These bills may be taken up by the Committee at a future date, after enactment of the annual Budget Act.

AB 1573 (Corbett) makes changes to the rules governing design-build construction contracting for projects on K-12 campuses. The changes, relating primarily to the Inspector-of-

Record on these school projects, conform the requirements for K-12 projects with those imposed on projects for community colleges campuses. Under existing law, construction of facilities on K-12 and community colleges campuses are subject to the seismic safety provision of the Field Act. The Assembly Business and Professions Committee approved the bill (by unanimous consent) on April 29. The full Assembly approved and passed the measure on May 15. The bill was sent to the Senate and is pending hearing before the Senate Education Committee (June 18).

AB 1576 (Liu), which requires that water heaters in rental units be strapped by no later than July 2005, was approved (with amendments)¹ by the Assembly Committee on Housing and Community Development on April 30. The Assembly Appropriations Committee approved the bill on May 14, and the full Assembly passed the bill on May 22. The bill has been referred to the Senate for consideration.

II. Other Legislation of Interest to the Commission

As of June 2, staff has identified and is monitoring the bills presented in Exhibit 2

The bills presented below are brought to the Commission's attention because they have a potential impact in policy areas of interest to the Commission. This list includes:

- (1) Bills on which the Commission has previously taken a formal position;
- (2) Bills for which staff is recommending new or revised positions; and
- (3) Bills for which no position is recommended at this time, but which are being monitored because of the subject or policy area.

AB 28 (Pavley): Subject to the availability of Federal funds, directs OES to establish a program for the acquisition of hazardous materials equipment for State and local fire service agencies.

Current Commission position: Support

Comments: This bill complements the Commission's current US&R Committee report (in progress) addressing the needs of local first-responder agencies.

AB 225 (Frommer): Directs DSA and the Department of Education to develop a "checklist" to provide local school districts guidance with evaluating potential use of private buildings as school facilities.

Current Commission position: Support

Comments: This bill implements a recommendation included in the Commission's AB 16 Report on School Safety (2002).

¹ The amendments clarified the scope and intent of the bill and made other technical changes.

AB 699 (Lieber): Calls for a detailed study by the Legislative Analyst's Office concerning the construction inspector programs of the Office of Statewide Health Planning and Development (hospital construction inspectors) and the Division of the State Architect (school construction inspectors).

Current Commission position: **Neutral**

Comments: In its originally introduced version, this bill removed supervision of the specialized inspectors from OSHPD and re-assigned the supervision to a newly-created entity in the Department of Consumer Affairs. Due to concerns about the sensitive and specialized duties of these inspectors, the Commission voted to take an "Oppose" position on the bill. The measure was subsequently amended to delete the transfer of supervision. At its April meeting, the Commission voted to modify its position from "Oppose" to "Neutral."

AB 1154 (Frommer): This bill exempts certain OSHPD positions funded by the Hospital Building Fund from the current hiring freeze and staffing reductions. Specifically, the bill permits the department to fill positions in the Facilities Development Division (FDD) that administers the Alquist Hospital Seismic Safety Act.

Current Commission position: (None)
Staff Recommendation: **Pending**

Comments: The FDD processes hospital requests related to seismic retrofit construction projects. Hospitals face a 2008 statutory deadline to be in compliance with the Alquist Act. The hospital industry (sponsor of the measure) indicates that the existing hiring freeze and budget-related staff cutbacks will result in significant delays in the review and approval of critical retrofit projects. The bill would allow OSHPD to fill the positions and avoid undue delays.

AB 1598 (Corbett): Appropriates funds from the CA Residential Earthquake Recovery Fund to extend the operations of the residential retrofitting program in the Department of Insurance. In 2001, the Program was re-authorized and re-funded pursuant to Commission-sponsored legislation.

Current Commission position: **Support**

Comments: This measure is a follow-up action, consistent with Commission-sponsored legislation from the 2001-02 legislative session. It authorizes additional funding (non-General Fund) for the existing loan-and-grant retrofitting program administered by the Department of Insurance.

SB 242 (Knight): This bill authorizes Community College buildings used for UC and CSU classes to be built using the CA Building Standards Code OR the Field Act.

Current Commission position: **Oppose.**

Comments: Under existing law, community colleges facilities are to be built in accordance with the seismic safety provisions of the Field Act. Because this measure permits the construction of community college facilities in accordance with a standard that is less stringent than the Field Act, the Commission opposes the bill.

SB 351 (Ducheny): This bill proposes the allocation of federal funds to support volunteer emergency services in any rural area of the state.

Current Commission position: **Support**

Comments: The Commission supports funding for emergency services personnel training and equipment.

SB 605 (McPherson): This measure requires a state agency that purchases public safety radio communication equipment to comply with the public safety digital communications standards of ANSI and TIA.

Current Commission position: **Support**

Comments: The Commission supports funding for emergency services personnel training and equipment. The proposal is consistent with recommendations in the SSC's Earthquake Loss Reduction Plan.

SB 916 (Perata): This bill, an omnibus package relating to the state-owned Bay Area toll bridges and toll revenues, proposes to place a measure approving a \$1 increase in bridge tolls before the voters of seven Bay Area counties. If the increase is approved by the voters, the bill also specifies how the additional toll revenues would be allocated.

Current Commission position: (None)
Staff Recommendation: **Pending**

Comments: Of the current \$2 bridge toll, \$1 is dedicated for seismic retrofit of the bridges. The proposed package would not affect the \$1 allocation for seismic improvements. At the April meeting of the Commission, Commissioner Beall asked staff to review and evaluate this bill for its seismic safety impact.

SB 1014 (Aanestad): The bill would suspend, effective January 1, 2004, the existing law requiring the seismic retrofitting and upgrading of acute-care hospitals (2008 deadline).

Current Commission position: Oppose.

Comments: The Commission is opposed to extending or modifying the current deadlines for hospital structural improvements as required under the Alquist Hospital Seismic Safety Act. The Commission's most recent policy statement on the deadlines was described in the Issue Paper on Hospital Seismic Safety (2002).